

Executive Summary – Enforcement Matter – Case No. 54338
Hills of Westlake, Ltd.
RN108712167
Docket No. 2017-0578-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Hills of Westlake Sec 1, 0.3 miles north of the intersection of State Highway 105 and La Salle Avenue, Conroe, Montgomery County

Type of Operation:

Residential home building

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

Texas Register Publication Date: February 2, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,593

Amount Deferred for Expedited Settlement: \$1,518

Total Paid to General Revenue: \$6,075

Compliance History Classifications:

Person/CN - N/A

Site/RN - Unclassified

Major/Minor Source: Minor

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 9, 2016 through October 27, 2016

Date(s) of NOE(s): April 3, 2017

Violation Information

1. Failed to design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants which resulted in the discharge of excessive amounts of sediment into or adjacent to water in the state. Specifically, large accumulations of sediment were noted in two intermittent streams that flow through the

Executive Summary – Enforcement Matter – Case No. 54338
Hills of Westlake, Ltd.
RN108712167
Docket No. 2017-0578-WQ-E

Site, two drainage ditches, in a culvert, and on the adjacent property located south of the Site [30 TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 281.25(a)(4), and Texas Pollution Discharge Elimination System ("TPDES") General Permit ("GP") No. TXR150028517, Part III, Sections F.6(d) and G.1, and Part VII, Nos. 1 and 8].

2. Failed to conduct site inspections of control measures at least once every seven calendar days and modify the stormwater pollution prevention plan ("SWP3") based on the results of inspections within seven calendar days following inspections. Specifically, inspections were conducted more than seven days apart on seven different occasions from April 29, 2016 through September 16, 2016; actions taken as a result of inspections and dates were not documented in the SWP3; and inspections indicating compliance were not certified [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES GP No. TXR150028517, Part III, Section F(7)(a), (d), and (e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 6, 2017, the Respondent remediated the affected areas, achieved final stabilization at the Site, and submitted the Notice of Termination.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-0779; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Nino R. Corbett, Director, Hills of Westlake, Ltd., 27101 Westheimer Parkway, Katy, Texas 77494

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned PCW	10-Apr-2017	Screening	24-Apr-2017	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Hills of Westlake, Ltd.
Reg. Ent. Ref. No.	RN108712167
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	54338	No. of Violations	3
Docket No.	2017-0578-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Farhaud Abbaszadeh
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$7,953"/>
Estimated Cost of Compliance	<input type="text" value="\$165,002"/>

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 24-Apr-2017

Docket No. 2017-0578-WQ-E

PCW

Respondent Hills of Westlake, Ltd.

Case ID No. 54338

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108712167

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 24-Apr-2017

Docket No. 2017-0578-WQ-E

PCW

Respondent Hills of Westlake, Ltd.

Policy Revision 4 (April 2014)

Case ID No. 54338

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108712167

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s) 30 Tex. Water Code § 26.121(a)(2), 30 Tex. Admin. Code § 281.25(a)(4), and Texas Pollution Discharge Elimination System ("TPDES") General Permit ("GP") No. TXR150028517, Part III, Sections F.6(d) and G.1, and Part VII, Nos. 1 and 8

Violation Description Failed to design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants which resulted in the discharge of excessive amounts of sediment into or adjacent to water in the state. Specifically, large accumulations of sediment were noted in two intermittent streams that flow through the Site, two drainage ditches, in a culvert, and on the adjacent property located south of the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 14

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a grid for counts.

Violation Base Penalty \$3,750

One quarterly event is recommended, from the date the investigation was approved (April 10, 2017) to the screening date (April 24, 2017).

Good Faith Efforts to Comply

10.0%

Reduction \$375

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and Status (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

Notes The Respondent achieved compliance on June 6, 2017.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,485

Violation Final Penalty Total \$3,597

This violation Final Assessed Penalty (adjusted for limits) \$3,597

Economic Benefit Worksheet

Respondent Hills of Westlake, Ltd.
Case ID No. 54338
Reg. Ent. Reference No. RN108712167
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$164,577	9-Jul-2016	6-Jun-2017	0.91	\$7,485	n/a	\$7,485

Notes for DELAYED costs

Actual cost to remediate the affected areas and achieve final stabilization. Date required is the investigation date. Final date is the compliance date.

Avoided Costs **ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$164,577

TOTAL

\$7,485

Screening Date 24-Apr-2017
Respondent Hills of Westlake, Ltd.
Case ID No. 54338
Reg. Ent. Reference No. RN108712167
Media [Statute] Water Quality
Enf. Coordinator Farhaud Abbaszadeh

Docket No. 2017-0578-WQ-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES GP No. TXR150028517, Part III, Section F(7)(a)

Violation Description Failed to conduct site inspections of control measures at least once every seven calendar days. Specifically, inspections were conducted more than seven days apart on seven different occasions from April 29, 2016 through September 16, 2016.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hills of Westlake, Ltd.
Case ID No. 54338
Reg. Ent. Reference No. RN108712167
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$175	29-Apr-2016	6-Jun-2017	2.02	\$18	\$175	\$193
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to ensure site inspections of control measures (\$25 x 7 inspections) are conducted at least once every seven calendar days and the results are documented in the stormwater pollution prevention plan ("SWP3"). Date required is the record review date. Final date is the date activities at the Site ceased.

Approx. Cost of Compliance

\$175

TOTAL

\$193

Screening Date 24-Apr-2017
Respondent Hills of Westlake, Ltd.
Case ID No. 54338
Reg. Ent. Reference No. RN108712167
Media [Statute] Water Quality
Enf. Coordinator Farhaud Abbaszadeh

Docket No. 2017-0578-WQ-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES GP No. TXR150028517, Part III, Section F(7)(d) and (e)

Violation Description

Failed to modify the SWP3 based on the results of inspections within seven calendar days following inspections. Specifically, actions taken as a result of inspections and dates were not documented in the SWP3 and inspections indicating compliance were not certified.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the permit requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hills of Westlake, Ltd.
Case ID No. 54338
Reg. Ent. Reference No. RN108712167
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs **ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	29-Apr-2016	6-Jun-2017	2.02	\$25	\$250	\$275
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to ensure that actions taken as a result of inspections and dates are documented in the SWP3 and inspections indicating compliance are certified. Date required is the record review date. Final date is the date activities at the Site ceased.

Approx. Cost of Compliance \$250

TOTAL \$275

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN605236033, RN108712167, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN605236033, Hills of Westlake, Ltd. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN108712167, HILLS OF WESTLAKE SEC 1 **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 09 - Construction

Location: LOCATED 0.3 MILE NORTH OF THE INTERSECTION OF STATE HIGHWAY 105 AND LA SALLE AVENUE IN CONROE, MONTGOMERY COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
STORMWATER PERMIT TXR150028517

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: June 26, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 26, 2012 to June 26, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Farhaud Abbaszadeh **Phone:** (512) 239-0779

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HILLS OF WESTLAKE, LTD.
RN108712167

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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2017-0578-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hills of Westlake, Ltd. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operated a residential home building site located 0.3 mile north of the intersection of State Highway 105 and La Salle Avenue in Conroe, Montgomery County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$7,593 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,075 of the penalty and \$1,518 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on June 6, 2017, the Respondent remediated the affected areas, achieved final stabilization at the Site, and submitted the Notice of Termination.

II. ALLEGATIONS

During an investigation conducted from July 9, 2016 through October 27, 2016, an investigator documented that the Respondent:

1. Failed to design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants which resulted in the discharge of excessive amounts of sediment into or adjacent to water in the state, in violation of 30 TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 281.25(a)(4), and Texas Pollution Discharge Elimination System ("TPDES") General Permit ("GP") No. TXR150028517, Part III, Sections F.6(d) and G.1, and Part VII, Nos. 1 and 8. Specifically, large accumulations of sediment were noted in two intermittent streams that flow through the Site, two drainage ditches, in a culvert, and on the adjacent property located south of the Site.
2. Failed to conduct site inspections of control measures at least once every seven calendar days and modify the stormwater pollution prevention plan ("SWP3") based on the results of inspections within seven calendar days following inspections, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES GP No. TXR150028517, Part III, Section F(7)(a), (d), and (e). Specifically, inspections were conducted more than seven days apart on seven different occasions from April 29, 2016 through September 16, 2016; actions taken as a result of inspections and dates were not documented in the SWP3; and inspections indicating compliance were not certified.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hills of Westlake, Ltd., Docket No. 2017-0578-WQ-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or

persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/16/18

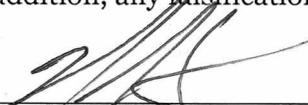
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/7/17

Date

Nirso R. Corbett

Name (Printed or typed)
Authorized Representative of
Hills of Westlake, Ltd.

Manager

Title

If mailing address has changed, please check this box and provide the new address below: